

IT IS ORDERED

Date Entered on Docket: September 12, 2022



The Honorable David T. Thuma
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re:
**STEPHANIE MONTOYA and
BENNY MONTOYA, JR.,**
Debtors.

Case No. 20-10610-T13

AGREED ORDER MODIFYING THE AUTOMATIC STAY

THIS MATTER came before the Court on the agreement of the parties, Dorothea M. Anderson, as Personal Representative of the Estate of Diana K. Baca (“Estate”) represented by Askew & White, LLC (James A. Askew) and Stephanie and Benny Montoya, Jr. (“Debtor”) represented by R. “Trey” Arvizu, III and William L. Lutz as attorney for secured creditor, Money Man, Inc. Having considered the record and stipulation of agreed to herein, the Court is of the opinion that this Agreed Order Modifying the Automatic Stay should be entered. The Court, being otherwise sufficiently advised FINDS:

1. The Estate filed a Motion for Termination of the Automatic Stay (“Motion”) on July 20, 2022 (docket #58). The Motion requested relief from the automatic stay in order for the Estate to terminate a lease with the Debtors,

and to remove the Debtors and their Mobile Home from real property owned by the Estate located at 701 N. Maple St., Truth or Consequences, New Mexico.

2. The Estate filed and served a notice of deadline to object to the Motion on July 21, 2022 (docket #59) on all parties. The notice specified that any objections must be filed and served within 21 days.
3. Money Man timely filed a Limited Objection on July 28, 2022 (docket #60).
4. Debtor Benny Montoya, Jr. became deceased on August 9, 2022 (docket #61).
5. Debtor, Stephanie Montoya, timely filed her Response on August 18, 2022 (docket #62).
6. No other responses or objections were filed.
7. Money Man has a valid perfected security interest in the mobile home.
8. Debtor Stephanie Montoya is in the process of relocating to a new residence and will require time to complete the packing and storage of items from the mobile home located at 701 N. Maple St., Truth or Consequences, New Mexico.
9. The parties are in agreement that the Automatic Stay should be lifted effective November 1, 2022 in order to allow the Debtor, Stephanie Montoya, to remove her personal property by October 31, 2022.

IT IS THEREFORE ORDERED,

A. That the automatic stay shall be modified to terminate effective November 1, 2022 as to the Estate and Money Man in order for each of them to pursue all state law remedies available;

B. That the Mobile Home and Real Property be deemed abandoned pursuant to 11 U.S.C. §554(b) effective November 1, 2022.

###END OF ORDER###

SUBMITTED BY:

/s/submitted electronically 9.xx.22

R. "Trey" Arvizu, III
Attorney for Debtors
715 E. Idaho Ave., Suite 3F
Las Cruces, NM 88001
(575) 527-8600
(575) 527-1199 – Fax
trey@arvizulaw.com
lg

APPROVED BY:

ASKEW & WHITE, LLC

Approved via email on 9.12.22

James A. Askew
Attorney for Personal Representative
1122 Central Ave. SW, Suite 1
Albuquerque, NM 87102
(505) 433-3097
(505) 717 1492 – Fax
jaskew@askewwhite.com

MARTIN & LUTZ, P.C.

Approved via telephone on 9.12.22

William L. Lutz
Attorney for Money Man
P.O. Drawer 1837
Las Cruces, NM 88004-1837
(575)526-2449